

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

‘O’ JS-6

Case No. CV 12-7719 CAS (VBKx) Date January 16, 2013

Title DENISE ELIZABETH V. TIMOTHY FRANZ GEITHNER, ET AL.

Present: The Honorable CHRISTINA A. SNYDER

Catherine Jeang

Not present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants

Not present

Not present

Proceedings: (In Chambers:) DEFENDANT’S MOTION TO DISMISS FOR LACK OF JURISDICTION AND FOR FAILURE TO STATE A CLAIM (Docket #10, filed November 7, 2012)

DEFENDANT’S MOTION TO DISMISS FOR LACK OF JURISDICTION (Docket #11, filed November 29, 2012)

Plaintiff filed the instant action in this Court on September 10, 2012. On November 7, 2012, defendant Selvi Stanislaus filed a motion to dismiss, and on November 29, 2012, defendant Timothy Franz Geithner filed a motion to dismiss. Plaintiff has not opposed these motions.

Plaintiff’s complaint is largely incomprehensible and rambling. The Court cannot discern what claims for relief it is attempting to assert, nor on what factual plaintiff seeks relief. A “complaint that is ‘obviously frivolous’ does not confer subject matter jurisdiction. . . .” Franklin v. Murphy, 745 F.3d 1221, 1227 n. 6 (9th Cir. 1984) (citing Hagans v. Levine, 415 U.S. 528, 536–37 (1974)); see also Neitzke v. Williams, 490 U.S. 319, 327 n. 6 (1989); Bell v. Hood, 327 U.S. 678, 681–82 (1946); Franklin v. Oregon Welfare Div., 662 F.2d 1337, 1342–43 (9th Cir. 1981). Dismissal for lack of subject matter jurisdiction is proper when the federal claim is “so insubstantial, implausible, foreclosed by prior decisions of this Court, or otherwise completely devoid of merit as not to involve a federal controversy.” Steel Co. v. Citizens for a Better Env’t, 523 U.S. 83, 89 (1998) (citations and quotations omitted).

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

‘O’ JS-6

Case No.	CV 12-7719 CAS (VBKx)	Date	January 16, 2013
Title	DENISE ELIZABETH V. TIMOTHY FRANZ GEITHNER, ET AL.		

The manifest insubstantiality of the present complaint deprives this Court of subject matter jurisdiction. This jurisdictional defect could not be cured by amendment. Accordingly, the Court hereby DISMISSES this action with prejudice.

IT IS SO ORDERED

	00	:	00
Initials of Preparer	CMJ		